

EDMUND G. BROWN JR., Attorney General  
of the State of California  
THOMAS S. LAZAR  
Supervising Deputy Attorney General  
SAMUEL K. HAMMOND, State Bar No. 141135  
Deputy Attorney General  
California Department of Justice  
110 West "A" Street, Suite 1100  
San Diego, CA 92101  
P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2083  
Facsimile: (619) 645-2061  
Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2059

CARRIE J. SCHIMKE  
6522 Casselberry Way  
San Diego, CA 92119

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

Respiratory Care Practitioner  
License No. 22201

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

**PARTIES**

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care Board of California. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Samuel K. Hammond, Deputy Attorney General.

2. CARRIE J. SCHIMKE (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

///

3. On or about December 31, 2001, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 22201 to Carrie J. Schimke (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. R-2059 and will expire on May 31, 2009, unless renewed. By order effective July 29, 2007, Respondent's license was revoked; however, revocation was stayed and Respondent was placed on probation for three years with terms and conditions.

4. Respondent is no longer desirous of practicing as a respiratory care therapist and has expressed a desire to surrender her license. Respondent hereby surrenders her license.

5. Respondent understands that by signing this stipulation she enables the Board to issue its order accepting the surrender of her respiratory care license without further notice.

6. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any health care licensing agency in the State of California, all of the changes and allegations contained in Accusation No. R-2059 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

## CONTINGENCY

7. This stipulation shall be subject to approval by the Respiratory Care Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

1 OTHER MATTERS

2 8. The parties understand and agree that facsimile copies of this Stipulated  
3 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
4 and effect as the originals.

5 9. In consideration of the foregoing admissions and stipulations, the parties  
6 agree that the (Board) may, without further notice or formal proceeding, issue and enter the  
7 following Order:

8 ORDER

9 IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 22201,  
10 issued to Respondent Carrie J. Schimke is surrendered and accepted by the Respiratory Care  
11 Board.

12 10. The surrender of Respondent's Respiratory Care Practitioner License and  
13 the acceptance of the surrendered license by the Board shall constitute the imposition of  
14 discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
15 become a part of Respondent's license history with the Board.

16 11. Respondent shall lose all rights and privileges as a Respiratory Care  
17 Practitioner in California as of the effective date of the Board's Decision and Order.

18 12. Respondent shall cause to be delivered to the Board both her License  
19 wall and pocket license certificate on or before the effective date of the Decision and Order.

20 13. Respondent fully understands and agrees that if she ever files an  
21 application for licensure or a petition for reinstatement in the State of California, the Board shall  
22 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations  
23 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,  
24 and all of the charges and allegations contained in Accusation No. R-2059 shall be deemed to be  
25 true, correct and admitted by Respondent when the Board determines whether to grant or deny  
26 the petition.

27 14. Should Respondent ever apply or reapply for a new license or certification,  
28 or petition for reinstatement of a license, by an health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation No. R-2059 shall be  
2 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
3 Issues or any other proceeding seeking to deny or restrict licensure.

4 15. Respondent shall pay the Board its costs of investigation and enforcement  
5 in the amount of \$713.50 on the effective date of the Board's Decision and Order .

6 ACCEPTANCE

7 I have carefully read the Stipulated Surrender of License and Order. I understand  
8 the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter  
9 into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and  
10 agree to be bound by the Decision and Order of the Respiratory Care Board.

11 DATED: September 28, 2007.

12  
13 Original signed by: \_\_\_\_\_  
14 CARRIE J. SCHIMKE  
15 Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
18 submitted for consideration by the Respiratory Care Board of the Department of Consumer  
19 Affairs.

20 DATED: October 2, 2007

21 EDMUND G. BROWN JR., Attorney General  
22 of the State of California

23 THOMAS S. LAZAR  
24 Supervising Deputy Attorney General

25  
26 Original signed by: \_\_\_\_\_  
27 SAMUEL K. HAMMOND  
28 Deputy Attorney General

Attorneys for Complainant

**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2059

CARRIE J. SCHIMKE  
6522 Casselberry Way  
San Diego, CA 92119

Respiratory Care Practitioner  
License No. 22201

Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 12, 2007.

It is so ORDERED November 2, 2007.

Original signed by:  
\_\_\_\_\_  
LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA